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## Woolsack 1964 volume 2 number 1

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# The WOOLSACK

VOLUME 2, NUMBER 1

OCTOBER 1964

## AWARDS FOR USD

By Ed Reading, ALSA Rep.

The American Law Student Association's 16th Annual Meeting, held in New York from August 8 through August 13, 1964, was a success from many standpoints. U. S. D. was, of course, a major participant in every facet of the meeting.

Gene Bambic of the 1964 graduating class was the outgoing President of ALSA and as such presided over the entire meeting. Dean Sinclitico not only dignified many of our sessions by his presence but also actively participated in the 1964 legal writing symposium. In addition to Dean Sinclitico on the panel were former Dean Miriam T. Rooney of Seton Hall University of Law; Eugene C. Gerhart, Esq., of Binghamton, New York; and Frederick G. Fisher, Jr., Esq., of Boston, Massachusetts, Moderator. The panel discussed opinion letter writing to clients, pointing out many pitfalls and how they should be avoided. Ed Reading, our ALSA Representative and Chairman of the national Membership Committee of ALSA presided over a seminar at the Student Bar Administrative Conference on the Individual Membership Program.

In spite of all of the foregoing, the highlight of the Annual Meeting for U. S. D. came during the ALSA luncheon on August 13. In attendance were a great many dignitaries from the legal profession, including, to name but a few, Dean Richey of Northwestern University School of Law and the present President of the American Association of Law Schools; the

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## RECORD ENROLLMENT

When the School of Law at the University of San Diego opened its doors for the new school term on Tuesday, September 8, 1964, it welcomed the largest student-body in the history of this fast-growing law school. The registration for the freshman day class has doubled its number from last year. The First-Year Day Class has 52 students, and the First-Year Night Class has 72 students. The upper classes returning to school witnessed the smallest decline since the opening of the law school in 1954.

This amazing progress has been due in no small part to its outstanding faculty and the success of its graduates. The faculty includes graduates from such outstanding law schools as Harvard, Marquette, Stanford, Georgetown, University of California, Northwestern, Chicago, Michigan and the University of Southern California. Its graduates are represented in the City Attorney's Office in San Diego, City Attorney's Office in San Bernardino, and in prominent law firms in San Diego and surrounding communities.

In spite of the loss of its beloved Acting Dean, General George W. Hickman, Jr., who has become a member of the permanent committee of the American Bar Association in Chicago, he is ably succeeded by Joseph A. Sinclitico, Jr., the new Dean. Dean Sinclitico is no stranger to the law school profession, having taught at the law schools at Duquesne University and St. Louis University, in addition to teaching at the University of San Diego Law School since 1960. A graduate of Harvard Uni-

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heads of the legal corps of the Army, Navy and Air Force; Professor Sheldon D. Elliott, the principal speaker; at least six directors and the Secretary of the ABA. Each year ALSA presents national awards for the "Outstanding Student Bar Project" and for "Overall Excellence by a Student Bar Association." Generally two awards in each category are presented, first place and honorable mention. This year a special second place award was presented in each category to give recognition for an outstanding job. U. S. D. received both of these special second place awards! This recognition for unique achievement by our Student Bar Association was richly deserved. It will be a difficult job to top this mark but we should accept the challenge and strive to obtain the first place award next summer at Miami. Fred Tschopp, who was a member of our 1964 graduating class, received the national award for "Outstanding National Vice President" of ALSA for the year 1963-64. Fred's work with the law schools in California and Arizona was outstanding and thus the award was appropriate recognition.

In future issues of the WOOLSACK, additional information regarding the American Law Student Association will be furnished. In the meantime, your ALSA representative, Ed Reading, will be glad to answer your questions regarding ALSA. This forthcoming year will be a considerable challenge in light of past achievements by our SBA and its members, but the rewards to be obtained from meeting this challenge will make the effort entirely worthwhile.

NEXT TIME ASK A LAW STUDENT!  
By MARGE

Presumably our brothers in the study of law at U. S. C. are deriving comfort from the ruling recently handed down from the District Court of Appeal, Second District, in *HARRIS v. ALCOHOLIC BEVERAGE CONTROL APPEALS BOARD*, 228 A. C. A. 1, 39 C. R. 192.

It seems that Irvin's (spaghetti and pizza, 60% college trade), 200 feet from their campus and now serving beer, was by the State ABC Board denied a beer and wine license under its Rule 61.1. This insidious administrative pronouncement prohibits issuance of such license within one mile of a university unless -- mutually exclusive terms: (1) the nature of the business is such that it will not be patronized by students; and (2) it operates as a bona fide public eating place.

It appears, however, that the provisions of Section 172e of the Penal Code, enacted in 1959 to provide for an exception in the case of bona fide public eating places, controls -- as any Con Law student dining at the establishment could have informed the litigants, thus ending this unseemly litigation. Actually, the whole thing revolves around a rather nice little point involving priority of jurisdiction where two directives conflict, one of which is an administrative rule made under a power conferred directly by the constitution, and the other of which is a statute enacted by the legislature. Priority has now been established as (1) the constitution; (2) statutes, to the extent that they do not conflict with the constitution; (3) rules and regulations of the constitution-authorized administrative body, to the extent that they do not conflict with the constitution or statutes.

And now the boys can enjoy wine with pizza, which is a more authentic Italian combination than the previous beer and pizza.

Moral: The (legal) customer is always right!

## FRESHMEN ORIENTATION



SHOWN ABOVE, KEN WOOD ADDRESSES FRESHMEN LAW STUDENTS DURING ORIENTATION PROGRAM ON THE ART OF REVIEWING

By Rufus Young

Ninety-five members of the entering first-year class attended the annual Freshman Orientation held in More Hall Auditorium on Saturday, September 5, 1964, according to Rufus Young (Senior Day), co-Chairman of the Student Bar Association's orientation committee. Young said the record turnout was due to the size of the entering class, largest in the history of the School of Law of the University of San Diego.

"The format of the program was basically the same as was used last year when USD won second place in the American Law Student's Association's nationwide Student Bar project competition," said Young.

Dean Joseph A. Sinclitico, Jr., officially welcomed the new first-year class to the Law School after Reverend Alfred F. Geimer had delivered the invocation. Sinclitico was followed by Student Bar Association President Bill Blank (Senior Day), who outlined some of the S. B. A.'s functions. Bill Draper (Senior Evening) PHI ALPHA DELTA President, then outlined some benefits of membership in Law Fraternities, as did Wes Harris (Senior Evening), PHI DELTA PHI President. SAN DIEGO LAW REVIEW Editor, John Roche (Senior Evening) urged the incoming students to strive for academic distinction and membership in the Law Review. A twenty-minute coffee break followed.

The program resumed with Dave Huarte, orientation committee co-chairman, acting as moderator. Huarte introduced George Lerg (Second Year Day) and Grand Conard (Second Year Evening), who conducted a general orientation. Topics ranging from location of the cafeteria to the information that some upper classmen consider 4:30 a. m. an excellent time to study were covered.

After a brief recess, Dave Huarte introduced Ed Philbin (Senior Day) who, as a two-time winner of the designation of St. Thomas More Scholar for Outstanding Academic Achievement, instructed the newcomers regarding Academic preparation and participation. Philbin covered aspects of briefing and outlining. This year, for the first time, incoming students had been given homework to prepare for Orientation Day. When First-Year students registered on the Tuesday preceding orientation, each was given a copy of the first case in the CON-

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TRACTS, PROPERTY, AND TORTS Book, and was asked to read them thoroughly. During the Academic portion of the orientation, Philbin covered the cases previously distributed and discussed a Brief which was distributed for comparison with the previously distributed Verbatim extract.

Ken Wood, top man academically in the Second-Year Day Class, concluded the academic portion of the orientation with a comprehensive discussion of reviewing and reference materials.

The program concluded with tours of the Law School conducted by members of the Orientation Committee, which included Rufus Young and Dave Huarte, Co-Chairmen, and Ed Philbin (all Senior Day), as well as Grant Connard (Second Year Evening), and Mike Epton, George Lerg and A. Ken Wood, II (all Second-Year Day).

## NEW LIBRARY ADDITIONS

Within the last two months, through the efforts of Congressman Lionel Van Deerlin from San Diego, the School of Law Library has been fortunate in receiving valuable acquisitions from the Library of Congress. These books include bound issues of the Congressional Record, a valuable bound set of "Washington's Messages to his Generals," Tax Reports and other valuable items too numerous to mention.

## JD AT USD?

To the delight of students at the annual convocation September 10, Dean Sinclitico announced he wants to hold out hope that the School of Law will confer the degree of Juris Doctor to graduates in lieu of the older LL. B. Mention was made of the recommendation and endorsement thereof by the American Bar Association, American Association of Law Schools, and the American Law Students Association. While the JD is not yet awarded by a majority of accredited law schools, it is the trend of authority as evidenced by the change thereto by Cal Western and a number of others the past year. Since a baccalaureate degree is a prerequisite to enrollment in the School of Law, it is felt a true graduate degree is more appropriate with three full years of post-graduate study.







## President's Message

Bill Blank, SBA President

As members of the Student Bar Association we are part and parcel of the organized bar, albeit apprentices rather than journeymen. As such we must train ourselves for the responsibilities of the legal profession.

One of the things that has disturbed most of us at one time or another is the public's impression of the legal profession. Mostly this impression does not come directly from the profession itself, but it is more often gathered from television, periodicals, or word of mouth. Unfortunately, examples of questionable conduct of a professional nature are frequently given wide publicity while the diligent, ethical, laborious service of the multitudes passes unnoticed. It is not unusual for the average man to speak in one breath of his good friend, an attorney, and what a fine and upstanding member of the community he is, and how he contributes selflessly of his time, effort, and talent for the benefit of all. In the next breath the same man may well speak of lawyers as a bunch of crooks and shysters.

Formerly when a friend would jokingly accuse me of striving to be a shyster, I would attempt some reply in a similar jovial vein. Now I am careful to point out the ethical nature and high moral standards of the profession; that an unfortunate few occasionally darken the prestige of the many; that a large share of our best and most respected leaders have been members of our profession.

A recent survey by the Missouri Bar indicated that the more the public is acquainted with and uses legal services, the more favorable is their opinion of the profession. The same survey showed that a man's opinion of his personal attorney is substantially higher than of the profession in general.

As Bacon wrote, "I hold everyman a debtor to his profession." It is the duty of each and everyone attached to the profession to defend it and clarify misimpressions thereof. To do so in reality is only to defend yourself. If we as students do nothing to correct the public's opinion that the legal profession is anything less than the highest in moral and ethical standards then we are poor advocates of our own cause and something less than the profession demands. It is incumbent not only to pursue honorable goals and ideals, but to make this impression clear to the public as representative of the profession, for the law reflects not only our own lives, but the lives of all men that have been.

## FACULTY PROFILE

### Dean Sinclitico

Joseph A. Sinclitico, Dean, gained his A. B. from Holy Cross College, and his LL. B. from Harvard University. He has been admitted to practice in Massachusetts and Pennsylvania, and has taught at St. Louis University Law School, Duquesne University Law School, and prior to Deanship, served as Professor of Law here.

### Professor Reynolds

Professor Eugene E. Reynolds, Jr., gained a B. S. from the University of California, Berkeley, with an LL. B. degree and was admitted in 1957 to practice in California. He served as Deputy Commissioner of Corporations for the State of California.

### Professor Landis

Professor Harold E. Landis gained his A. B. at San Diego State College and his LL. B. from the University of California. He has taught Property in the past, now teaches Water Rights.

### Professor Smith

Professor H. Carroll Smith graduated from the University of California with a B. A., then attended McGeorge College of Law and obtained his LL. B. He has served over 26 years as Chief Trial Deputy District Attorney and County Counsel, San Diego County.

### Professor Sullivan

Professor J. Stacey Sullivan, Jr., is a graduate of Columbia University. He earned a J. D. degree from Northwestern University School of Law and was admitted to California practice in 1955. He has served on the faculty here since 1960.

### Professor Brock

Joseph S. Brock gained his B. A. from the College of St. Thomas in 1926. In 1931 Stanford University awarded him an LL. B. degree, and he was admitted to the California Bar, the first of three jurisdictions in which he ultimately gained the right to practice. He teaches at U. S. D. Law School the subjects Equity, Property, and Legal Ethics.

### Professor Friedman

Presently teaching Torts at San Diego, Professor C. Hugh Friedman has a background which includes a B. A. from Yale University in 1953, an LL. B. from Stanford in 1956, and service as Deputy Attorney General of California for two years. A private practitioner, he is a part-time faculty member at U. S. D. Law School.

### Reverend Geimer

Father Geimer gained his A. B. in 1939 from St. Norbert College, his M. S. in Library Science in 1958 at the Catholic University, and has done research in the Library of Congress. He is Librarian of the Law School and member of numerous professional associations.

### Professor Hermle

Lieutenant General Leo Hermle, graduate of the University of California with both A. B. and J. D. degrees, teaches Evidence. Holder of numerous military decorations, he has taught at the Marine Schools, Quantico, Virginia, and served in the Office of the Judge Advocate General of the Navy.

### Professor Martin

Professor Phillip P. Martin, Jr., a member of the teaching staff since 1956, gained his B. S. from Notre Dame and his LL. B. from Marquette University. He is a member of the California State Bar, as well as the Wisconsin State Bar, and is past president of the Estate Conservation Council of Southern California.

### Professor Miller

Professor William J. Miller attended Wodham College, Oxford, and the Inner Temple, London. He was admitted to the High Court of Justice in London, and served in foreign governmental service. He teaches Legal History and Common Law.

### Professor Mulvaney

Professor James F. Mulvaney gained a B. S. C. at Loyola University, a J. D. at Chicago School of Law. He has practice in both Illinois and California, and has served in the Navy. He teaches Evidence and Jurisprudence.

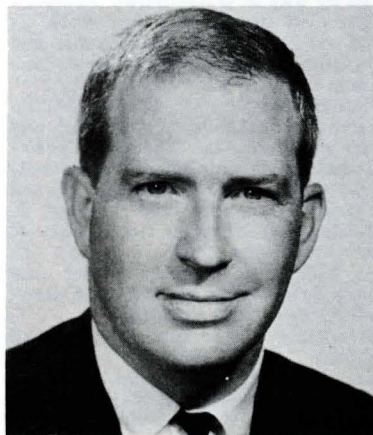
### Professor Henry

Professor Gaylord L. Henry obtained his Ph. B. from Marquette University. He also gained his LL. B. from Marquette University, and now teaches Legal Bibliography and Civil Procedure. He serves in the San Diego City Attorney's Office.

### Professor Engfelt

Professor Frank A. Engfelt is a graduate of the University of Utah, having gained his LL. B. there. Following this, he attended Georgetown University, there gaining his LL. M. He teaches Contracts and Uniform Commercial Code.

## NEW FACULTY MEMBERS



PROFESSOR DAWSON

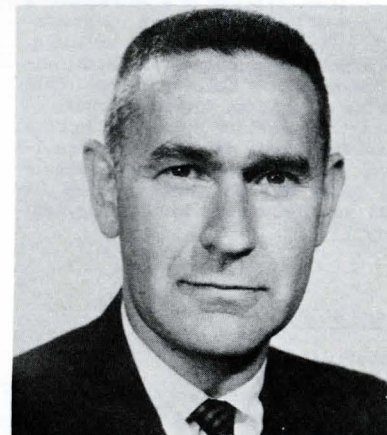
Professor Dawson graduated from the University of San Diego School of Law in June 1963. He ranked number one in his class throughout his law school career, and was awarded a full scholarship his final year.

Professor Dawson was admitted to the California Bar in January 1964. He served as law clerk to Justice Gerald Brown for four months, then he was appointed senior counsel of the appellate court this June by Presiding Justice Lloyd E. Griffin. While teaching California Code Pleading he will continue working as senior research attorney for the Fourth District Court of Appeal.

Professor Dawson has lived in San Diego all of his life. He received his A. B. degree from San Diego State College. In law school he served as Secretary of the Student Bar Association.

While attending law school, Professor Dawson was employed by the City and County Planning Departments. In his four years with the city, he specialized in zoning matters. With the county for three years, he acted as school planning advisor to local school districts and the County Committee on School District Organization. He cites his experience as Del Mar's planning consultant during the 1963 high rise controversy as his most interesting

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PROFESSOR KELLEY

Professor Kelley was born in Lisbon Falls, Maine, in 1921. He received his A. B. degree from the University of Michigan in 1942, his LL. B. degree from the University of Michigan Law School in 1948, and his LL. M. degree from the University of California School of Law at Berkeley in 1952.

Professor Kelley has devoted the past 15 years to law teaching. He comes to San Diego from Eugene, Oregon, where he has been an Associate Professor of Law at the University of Oregon since 1958. Prior thereto, Professor Kelley taught for six years at Creighton University School of Law. While at Creighton he also served as Associate Director of the Legal Aid Clinic of Omaha, Nebraska.

During his teaching career, Professor Kelley has taught many subjects, specializing, however, in Property and Anti-trust law. This fall semester, he will teach Property and Future Interests. Professor Kelley has contributed many articles to legal publications and has codified the ordinances of the City of Corvallis, Oregon. He is a member of the Washington and Oregon State Bar Associations.

Professor Kelley and his family reside at 7069 Hilton Avenue, San Diego, California.

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# ALUMNI NEWS

By George Lerg, Feature Editor

The true measure of a university's greatness is found through its graduates. It is their efforts, abilities, and accomplishments which establish the quality of their training. This article is written for the purpose of giving information in regard to past graduates, their whereabouts, families, and activities. The example set today by our alumni will be the goal of tomorrow for our student body.

## Class of 1958

Timothy G. Evatt

Miller and Evatt  
1230 San Diego Trust & Savings Bldg.  
San Diego, California

Balboa & Genesee Professional Bldg.  
4202 Genesee  
San Diego, California

After passing the bar examination, Tim worked as a Deputy City Attorney until he joined with his fellow classmate Ralph G. Miller, Jr., to form the highly successful partnership of Miller and Evatt. The partnership has grown to two offices, and six attorneys. Two of the newer members of the firm are Frank V. Gregorich, Class of '61, and Clement J. O'Neill, Class of '63. Tim has just moved into larger offices in the Balboa & Genesee Professional Building.

Tim has been, and is, very active with the San Diego County Bar Association, having worked on the Library Committee, Public Relations Committee, and is presently working on the Adoption Committee. In addition to these activities, Tim has taught the adult citizenship class on courts and the jury system.

Showing a real interest in the School, Tim joined with Ralph to set up the Miller and Evatt Award for the most outstanding student in Taxation. Competition became so keen that the award had to be split between Donn Goss and Richard Neely. This cash award is most generous, and has added spirit and even more interest among those competing.

Tim and his wife Marie live with their three children, Timothy Michael, 15; Stephen Christopher, 10; and Ann Marie, 3; at 5053 Georgetown, San Diego, California.

For your interest and support you have our thanks; for your successes and achievements, you have our admiration.

James S. Marinos  
Suite 401, 303 "A" Street  
San Diego, California

Besides his bar activities, Jim is the immediate past president of three organizations; University of California Alumni Association, University of California Grid Club, and San Diego Rowing Club. He is also an arbitrator, and a member of American Arbitration Association.

Jim and his wife Pat live with their three children, Marina, 3; Diana, 20 months; and Athena, 2 months; at 5048 San Joaquin Drive, San Diego, California.

Ralph G. Miller

Miller and Evatt  
1230 San Diego Trust & Savings Bldg.  
San Diego, California

Balboa & Genesee Professional Bldg.  
4202 Genesee  
San Diego, California

As the School's first graduate cum laude, Ralph set a fast pace, which has been increased with every year. His interest in education is reflected in the fact that he is a past member of the Board of Regents of the University of San Diego, a past teacher at State where he taught Accounting (he's also a C. P. A.) and Business Law, and is presently a member of the faculty of Cal Western, where he

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teaches such classes as Income Taxation, Estate Tax, Wills and Trusts. As most educators, he is a firm believer in the continuation of his education. For this purpose, he attended Harvard for a course in Estate Planning. The entire Miller family drove back East with Ralph, and for an added vacation they just happened to go by way of Guatemala! Although slightly off the more direct route, it must have proven most enjoyable and I imagine he was forgiven any errors in map reading.

Joining Timothy G. Evatt, '58, the successful partnership of Miller and Evatt was formed. The firm, proving their high opinion of the School, added two other graduates, Frank V. Gregorich, '61, and Clement J. O'Neill, '63, bringing the number of attorneys to six. Their second office has just recently moved into larger quarters in the Balboa & Genesee Professional Building.

In addition to his practice and teaching, Ralph is quite active in several national and local organizations. As a member of the American Bar Association, Ralph is working on the Taxation Committee, Probate and Real Property Committee, Gift Tax Committee, Administrative Law Committee, and is Vice Chairman of the Treasury Department Committee. At the local level, he is a member of the San Diego County Bar Association, a past President of the Estate Planning Committee, and past Chairman of the Taxation Committee. Presently he is a member of the Business Law and Probate Committees. Working in the C. P. A. Society, he has been active in Taxation, and the Business Man's Tax Conference. In the past he has lectured at the University of California in the Tax Forum, and has been invited to lecture before the Charter Life Underwriters in Oklahoma City, Oklahoma, and Lubbock, Texas.

Another first for the School of Law came about when Ralph joined his partner Tim in establishing the Miller & Evatt Award for the most outstanding student in Taxation. The interest and competitive spirit of the class reached such a level that picking the most outstanding student from the many candidates was most difficult, so much so that the generous cash award was split between Donn Goss and Richard Neely. It is hoped that this first is a start of a trend!

Ralph and his wife Jeanne live with Mary, 13; Catherine, 10; Anne, 9; Robert, 7; and Mark, 3; at 4741 Alta Rica, La Mesa, California. Your accomplishments speak for themselves; your interest and support speaks for your loyalty. Many thanks.

## Class of 1959

Richard J. Donovan  
Donovan, Bradshaw & Stone  
229 South Bay Plaza Office Bldg.  
1003 Plaza Boulevard  
National City, California

State Assemblyman Richard J. Donovan (R-77th District) made the transition from lawyer to lawmaker with hardly a break in stride. Winning handily by nearly 6,000 votes in a district where party registration was 6 to 4 against him, Dick rewarded the voters' confidence by setting a fast pace as one of the busiest Legislators in Sacramento.

During his first term in the Assembly, he won the admiration of his colleagues and constituents, regardless of party, by compiling an outstanding record in getting 80% of his legislation passed. Enacted was a

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complex of measures introduced by Assemblyman Donovan, dealing with traffic safety, law enforcement, transportation problems, welfare abuses, courts, and schools.

Besides carrying this weight of personal legislation, Dick maintained a heavy committee schedule as a member of five key committees: Transportation and Commerce (of which he was vice-chairman), Criminal Procedure, Government Organization, Revenue and Taxation, and Legislative Representation. One of three Assemblymen named to the six-man Joint Budget Committee, he played a key role in breaking the 1963 budget deadlock. He has since been named to the Joint Legislative Committee to Revise the Penal Code and to the statewide General Advisory Committee studying California's Probation and Parole Programs.

Assemblyman Donovan has always taken his civic obligations seriously and is a member of the National City and Chula Vista Kiwanis Clubs, Knights of Pythias, Chula Vista Elks Lodge, Sons of the American Revolution, VFW, American Legion, Traffic Safety Council, San Diego Board of Volunteers of America, National City Chamber of Commerce, U. S. Naval Reserve (LTJG-Intelligence), the American Cancer Society, the United Team and the PTA.

Dick and his wife Peggy and their subteen daughters, Roxie and Libby, live at 243 East James Street, Chula Vista, California. To all of this we can but add our congratulations to a graduate on his way up!

HAVING TROUBLES WITH YOUR STUDIES? Why not stop one of the Phi Alpha Delta Members shown in the photo to the right of this message. PAD members are always glad to help.

PROFESSOR DAWSON  
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experience in planning. In July 1963 he awarded Del Mar's honorary Mayor, Jimmy Durante, a zone variance to maintain an excessive structural overhang -- his famous schnozola. Generally considered an authority on zoning, he has appeared in the local Superior Court as an expert witness on the subject. He plans to write a book on California zoning law.

At 29, Mr. Dawson will be one of the youngest men ever to serve on the law school faculty. He and his wife Suzanne have four children -- Michael, 8; Deirdre, 5; Maureen, 3; and Kevin, 2.

## RECORD ENROLLMENT Continued From Page 1

versity Law School, he brings with him a wealth of experience besides teaching law, having been a corporation lawyer in Chicago for several years. He is presently representing the School at the Annual American Bar Association meeting in New York City.

## PHI ALPHA DELTA



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